

IRWIN, CAMPBELL & TANNENWALD, P.C.

ATTORNEYS AT LAW
1730 RHODE ISLAND AVENUE N.W.
SUITE 200
WASHINGTON, D.C. 20036
(202) 728-0400
FAX (202) 728-0354
<http://www.ictpc.com>

TARA S. BECHT
(202) 728-0401 Ext. 108
tbecht@ictpc.com

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OCT 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

October 16, 1998

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, D.C. 20554

Re: Reply Comments of Moultrie Independent Telephone Company
CC Docket No. 98-147

Dear Ms. Roman Salas:

Transmitted herewith and filed on behalf of Moultrie Independent Telephone Company ("Moultrie") are an original and four copies of Moultrie's reply comments in the above referenced proceeding.

If you have any questions concerning these comments, please contact the undersigned.

Very truly yours,



Tara S. Becht

Encl.

cc: Ms. Judy Boley, Federal Communications Commission, Room 234
Mr. Timothy Fain, OMB Desk Officer

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Deployment of Wireline Services Offering) CC Docket 98-147
Advanced Telecommunications Capability)
)

**REPLY COMMENTS OF
MOULTRIE INDEPENDENT TELEPHONE COMPANY**

Moultrie Independent Telephone Company

David A. Irwin
Kevin M. Walsh
Tara S. Becht
Nathaniel J. Hardy (Bar Admission Pending)

Its Counsel

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, DC 20036-3101
Tel. 202-728-0400
Fax: 202-728-0354

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**REPLY COMMENTS OF
MOULTRIE INDEPENDENT TELEPHONE COMPANY**

Moultrie Independent Telephone Company ("Moultrie") is a rural independent local exchange telephone company ("ILEC") serving 806 access lines in central Illinois. As detailed below, the proposed rules in the instant *NPRM*¹, if implemented, will make it economically impossible for rural ILECs, such as Moultrie, to offer advanced telecommunications services to their customers.

I. Introduction

The Commission proposes to promulgate rules requiring each ILEC providing advanced telecommunications services to do so in one of two ways: (1) provide the advanced telecommunications services itself, but be subject to the onerous interconnection and resale obligations of Section 251 of the Communications Act;² or (2) create a separate affiliate with unique requirements, including its own officers, directors, and employees. Such separate affiliate would not be subject to Section 251.

¹ *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Memorandum Opinion and Order, and Notice of Proposed Rule Making, FCC 98-188, CC Docket 98-147 (August 7, 1998) (hereinafter "*NPRM*").

² 47 U.S.C. § 251.

As outlined in initial comments filed by Moultrie, the Rural Telecommunications Group ("RTG"), and the National Rural Telecom Association and Organization for the Promotion and Advancement of Small Telephone Companies ("NRTA/OPASTCO"), if the rules proposed in the *NPRM* are adopted and applied to rural ILECS, most of these companies will not invest in advanced telecommunications services because of the extremely high costs and arduous regulations the companies would face if they offered the services. There is no incentive for Moultrie to invest money, time and human resources into creating the infrastructure that would be necessary to provide advanced services directly. Under the Commission's proposed regulations, Moultrie would be required to provide its competitors unbundled access to the very infrastructure it invested time and money into creating. Where is the incentive for Moultrie, or any rural telco, to invest its limited resources in an advanced telecommunications infrastructure from which its competitors would then be able to cherry pick Moultrie's customers? There is no incentive.

The Commission's proposed separate affiliate rules would require Moultrie to create an entirely new company to provide advanced telecommunications services. Such a requirement would -- at a minimum -- double the investors' financial commitments.³

³ For example, Moultrie, and other rural telcos, will have to double the number of employees they currently employ in order to staff a new entity. Since the pool of qualified applicants in Moultrie's service area is limited, Moultrie would have to find, recruit and hire people from the surrounding areas. This recruitment process will have to include significant monetary incentives to convince applicants to move or commute to Moultrie's rural service (continued...)

Moultrie's affiliate would be forced to pass those additional expenses resulting from duplicative overheads on to its rural customers -- people who, generally, cannot afford an increase in their communications services charges. As the Commission is well aware, rural customers already face much higher communications costs than their urban counterparts. There are few economies of scale in rural America to help lower the costs of providing advanced, or any other, telecommunications services to customers there, to wit the necessity for USF. On the other hand, the economies of scale are much higher in urban areas, and, therefore, it is significantly less costly to provide telecommunications services to urban customers. It is unreasonable to believe that folks in rural America would be willing to pay exorbitant prices to receive advanced telecommunications services -- services that, for the most part, would be unknown to the rural residents and viewed as a luxury that they could not afford. Thus, if the Commission requires rural ILECs to form separate affiliates before they are allowed to provide these services to their customers, given the high costs and low economies of scale, it is likely that few rural ILECs will make the additional investments, and rural customers will be deprived of these new telecommunications services.

³(...continued)

area. As outlined by the National Telephone Cooperative Association ("NTCA"), "a small or rural telephone company will often have only ten or fifteen employees to perform all of its functions, including the one or two people who do all of the installation and maintenance. Not only may there be no pool of qualified people from whom to choose, such an adventure is incredibly expensive. The costs of finding, recruiting and hiring a new staff may be prohibitive, especially considering that the costs of providing any service in rural areas are higher than in urban areas." NTCA comments at page 6.

The Commission also must recognize that rural ILECs often provide large financial contributions to their communities by providing jobs to local residents. By the same token, if rural ILECs suffer financial hardships by having to go to extreme, costly measures to provide services, those hardships will be felt throughout these rural communities through fewer jobs and lower wages. Furthermore, if a rural ILEC is unable to provide advanced telecommunications services because it cannot afford to do so, that opens a window of opportunity for a large, outside communications company to step in and fill the communications void. However, that large company likely would provide little or no economic benefits to the rural community, other than the provision of advanced telecommunications services, because the company would require little or no actual presence in the community and would draw money out of the community. That means fewer jobs, lower wages and less wealth for rural America; ultimately resulting in death spirals for rural communities.

II. **The Economic Impossibilities of the Separate Affiliate Requirements**

The *NPRM* asks if the Commission's proposed separate affiliate requirements should apply to all LECs regardless of size.⁴ Moultrie, RTG, and NRTA/OPASTCO have assured the Commission that rural telcos will not be financially able to deploy advanced telecommunications services if they are forced to do so through these separate affiliate

⁴ *NPRM* at par. 98.

requirements. *See* Moultrie comments at page 4-5, RTG comments at pages 8-9 and NRTA/OPASTCO joint comments at pages 5-6.

As outlined in the NRTA/OPASTCO comments, the costs of undertaking the Commission's separate affiliate requirements would undermine a rural telco's ability to optimize the cost-effectiveness of using employees with multiple functions. NRTA/OPASTCO joint comments at page 6. The end result would be unnecessarily high costs to the investors which would, in turn, result in excessively higher prices charged to rural customers. These prices would be so high that it would be impossible to make a positive pro forma financial case for the initial investment in advanced telecommunications services. Rural telcos must be able to take advantage of their existing economies of scale -- regardless of how small they are -- when determining whether or not to invest in the technology necessary to offer advanced telecommunications services; otherwise, advanced telecommunications services will prove too expensive for rural America. This result would be unconscionable.

III. **The Dynamic Impact of Rural ILECs on the Economies of Rural Communities**

Like many rural telcos, Moultrie recycles its earnings by reinvesting in both its existing company and the local community's economy. In addition, Moultrie places its money with local banking institutions from which other rural companies borrow money, rather than banking with out-of-state or financial institutions.

Non-local companies can drain the financial resources of rural communities. For example, if a large urban communications corporation headquartered in Chicago provided services in rural Illinois, it likely would not provide financial support for the rural communities it serves because it would not establish a presence in those communities. However, the corporation would receive revenue from people living in rural Illinois in the form of fees it charges for its services. But rather than reinvesting those revenues in the rural communities, it likely would invest those revenues in its own community -- Chicago. In addition, the corporation would hire people living in Chicago -- not rural Illinois -- adding additional economic injury to the rural communities it serves.

On the other hand, Moultrie and other rural telcos employ local residents who reinvest in the local community. The financial wherewithal of many rural communities is buoyed by rural telcos because of the jobs the telcos provide rural residents and the reinvestment of the residents' wages and company profits in their communities. Unlike companies that are not locally based, Moultrie boosts the local economy by reinvesting in the community.

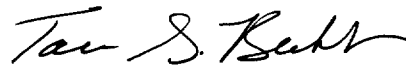
If Moultrie is required to spend additional capital on unnecessary and duplicative overhead for a separate affiliate to provide its rural communities with advanced telecommunications services, neither Moultrie, its employees, nor the people to whom it provides service will have the financial ability to reinvest in the local community or in the company itself. The community as a whole -- and Moultrie's customers -- will suffer.

V. Conclusion

If adopted, the proposed separate affiliate requirements will prevent Moultrie and other rural telcos from developing advanced telecommunications services due to the extremely high costs of providing those services. In the end, few rural telecommunications customers will have the opportunity to benefit from such services. Therefore, Moultrie respectfully requests that the Commission not implement its proposed rules requiring advanced telecommunications services affiliates for rural ILECs; rather, the Commission must permit rural ILECs to directly provide advanced telecommunications services without being subject to the onerous regulatory requirements found in Section 251 of the Act.

Respectfully submitted,

Moultrie Independent Telephone Company



David A. Irwin

Kevin M. Walsh

Tara S. Becht

Nathaniel J. Hardy (Bar Admission Pending)

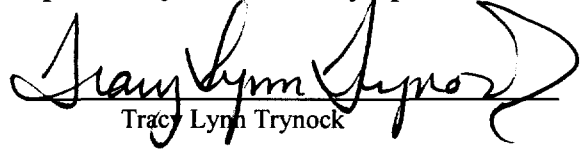
By its Counsel

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, DC 20036-3101
Tel. 202-728-0400
Fax: 202-728-0354

October 16, 1998

CERTIFICATE OF SERVICE

I, Tracy L. Trynock, hereby certify that on this 16th day of October, 1998, copies of the foregoing "Reply Comments of Moultrie Independent Telephone Company" have been served by first-class United States mail, postage pre-paid or by hand delivery upon the following:



Tracy Lynn Trynock

Chairman William E. Kennard*
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Commissioner Michael Powell*
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Commissioner Gloria Tristani*
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Commissioner Susan Ness*
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth*
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

ITS*
1231 20th Street, N.W.
Washington, D.C. 20036

Maureen A. Lewis
Alliance for Public Technology
901 15th Street, N.W., Suite 230
Washington, D.C. 20038-7146

George Vradenburg, III
William W. Burrington
Jill A. Lesser
Steven N. Teplitz
America Online, Inc.
1101 Connecticut Ave., N.W., Suite 400
Washington, D.C. 20036

Richard J. Metzger
Emily M. Williams
Association for Local Telecommunications
Services
888 17th Street, N.W., Suite 900
Washington, D.C. 20006

Robert H. Griffen
Edward D. Young, III
Michael Glover
Bell Atlantic Corp.
1320 North Court House Road, 8th Fl.
Arlington, VA 22201

M. Robert Sutherland
Michael A. Tanner
Stephen L. Earnest
BellSouth Corporation
1155 Peachtree Street, N.E., Suite 1700
Atlanta, GA 30309

Douglas E. Hart
Frost & Jacobs, LLP
Attorney for Cincinnati Bell Telco.
2500 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

* denotes hand delivery

Donald Weightman
Coalition of Utah Independent Internet
Service Providers
510 C Street, N.E.
Washington, D.C. 20002

Ronald L. Plessner
Mark J. O'Connor
Stuart P. Ingis
Piper & Marbury, L.L.P.
Attorneys for Commercial Internet
eXchange Association
1200 Nineteenth Street, N.W., 7th Floor
Washington, D.C. 20036
Jeffrey Blumenfeld
Glenn B. Manishin
Frank V. Paganelli
Colin Alverts
Blumenfeld & Cohen - Technology
Law Group
1615 M Street, N.W., Suite 700
Washington, D.C. 20036
(Attorneys for DSL Access
Telecommunications Alliance and their
member companies, Rhythms
NetConnections, Inc., FirstWorld
Communications, Inc., and First Regional
TeleCOM, L.L.C.)

Kevin Timpane
Esther H. Rosenthal
First World Communications, Inc.
(*member company of DSL Access
Telecommunications Alliance*)
93333 Genesee Avenue
San Diego, CA 92121

Brad E. Mutschelknaus
John J. Heitmann
Kelley Drye & Warren, L.L.P.
Attorneys for e.spire Communications, Inc.
1200 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036

Emily C. Hewitt
George N. Barclay
Michael J. Ettner
General Services Administration
1800 F Street, N.W., Room 4002
Washington, D.C. 20405

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
Irving, TX 75038

R. Michael Senkowski
Jeffrey S. Linder
Wiley, Rein & Fielding
Attorneys for GTE Service Corporation
1776 K Street, N.W.
Washington, D.C. 20006

Jeffrey H. Smith
John B. Pendleton
GVNW, Inc./Management
8050 S.W. Warm Springs Street
Suite 200
Tualatin, OR 97062

Jonathan Jacob Nadler
Brian J. McHugh
Squire, Sanders & Dempsey, L.L.P.
Attorneys for the Information Technology
Association of America
1201 Pennsylvania Avenue, N.W.
Box 407
Washington, D.C. 20044

Kathryn A. Kleiman
Internet Matters
Attorney for the Internet Service
Provider's Consortium
P.O. Box 25876
Alexandria, VA 22313

Michael L. Theis
Kiesling Consulting, L.L.C.
6401 Odana Road
Madison, WI 53719-1155

Terrence J. Ferguson
Level 3 Communications, Inc.
3555 Farnam Street
Omaha, NE 68131

* denotes hand delivery

Kecia Boney
Dale Dixon
Lisa B. Smith
MCI Communications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Kevin Sievert
Glen Grochowski
MCI Communications Corporation
400 International Parkway
Richardson, TX 75081

Anthony C. Epstein
Jenner & Block
Attorney for MCI Communications Corp.
and WorldCom, Inc.
601 13th Street, N.W.
Washington, D.C. 20005

Charles M. Brewer
MindSpring Enterprises, Inc.
1430 West Peachtree Street, Suite 400
Atlanta, GA 30309

L. Marie Guillory
Jill Canfield
National Telephone Cooperative Assoc.
2626 Pennsylvania Ave., N.W.
Washington, D.C. 20037

Andrew D. Lipman
Tama E. Finn
Swidler Berlin Shereff Freidman, L.L.P.
Attorneys for Network Plus, Inc.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Stephen N. Brown
New World Paradigm, Ltd. and Khasin
Technologies
401 12th Street South, Suite 1421
Arlington, VA 22202

John G. Lamb, Jr.
Northern Telecom, Inc.
2100 Lakeside Boulevard
Richardson, TX 75081-1599

Stephen L. Goodman
Halprin Temple Goodman & Sugrue
Attorney for Northern Telecom, Inc.
1100 New York Avenue, N.W.
Suite 650, East Tower
Washington, D.C. 20005

Steven Gorosh
NorthPoint Communications, Inc.
222 Sutter Street
San Francisco, CA 94108

Michael E. Katzenstein
OpTel, Inc.
1111 W. Mockingbird Lane
Dallas, TX 75247

Caressa D. Bennet
Gregory W. Whiteaker
Bennet & Bennet, PLLC
Attorneys for Rural Telecommunications Group
1019 19th Street, N.W., Suite 500
Washington, D.C. 20036

James D. Ellis
Robert M. Lynch
Durward D. Dupre
Darryl W. Howard
SBC Communications, Inc.
One Bell Plaza, Suite 3703
Dallas, TX 63101

Leon M. Kestenbaum
Jay C. Keithley
Richard Juhnke
Norina T. Moy
Sprint Corporation
1850 M Street, N.W., Suite 1110
Washington, D.C. 20036

Lawrence J. Spiwak
Technology Entrepreneurs Coalition
5335 Wisconsin Avenue, N.W., Suite 440
Washington, D.C. 20015

* denotes hand delivery

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
Attorneys for the Telecommunications
Resellers Association
1620 I Street, N.W., Suite 701
Washington, D.C. 20006

Brian Conboy
Thomas Jones
Willkie Farr & Gallagher
Attorneys for Time Warner Cable
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036

Randall B. Lowe
J. Todd Metcalf
Julie A. Kaminski
Renee Roland Crittendon
Piper & Marbury, L.L.P.
Attorneys for Transwire Communications, Inc.
1200 Nineteenth Street, N.W.
Washington, D.C. 20036

Lawrence E. Sarjeant
Linda Kent
Keith Townsend
John Hunter
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

David P. Batow
Joseph W. Miller
William H. Gault
Williams Communications, Inc.
P.O. Box 2400
Suite 4100
One Williams Center
Tulsa, OK 74102

Mark C. Rosenblum
Ava B. Kleinman
James H. Bolin, Jr.
AT&T Corporation
295 North Maple Ave., Room 3252JI
Basking Ridge, NJ 07920

Lawrence E. Sarjeant
Kinda Kent
Keith Townsend
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Ronald Binz
Debra Berlyn
John Windhausen
Competition Policy Institute
1156 15th St., N.W., Suite 310
Washington, D.C. 20005

Commissioner G. Richard Klein
Indiana Utility Regulatory Commission
302 W. Washington
Suite E-306
Indianapolis, IN 46204

J. Jeffrey Oxley
Asst. Attorney General
Minnesota Dept. of Public Service
1200 NCL Tower
445 Minnesota St.
St. Paul, MN 55101-2130

Thomas M. Koutsky
Asst. General Counsel
Covad Communications Corporation
3560 Bassett Street
Santa Clara, CA 95054

Cindy Z. Schonhaut
Senior V. P. of Govt. Affairs &
External Affairs
ICG Communications, Inc.
161 Inverness Drive
Englewood, CO 80112

David F. Fisher
V.P., General Counsel & Corp. Sec.
ADC Telecommunications, Inc.
12501 Whiteater Drive
Minnetonka, MN 55343

* denotes hand delivery

Steven Gorosh
V.P. & General Counsel
NorthPoint Communications, Inc.
222 Sutter Street
San Francisco, CA 94108

L. Marie Guillory
Jill Canfield
National Telephone Coop. Assoc.
2626 Pennsylvania Ave., N.W.
Washington, D.C. 20037

Riley M. Murphy
Executive VP & General Counsel
Charles H N Kallenbach VP
E.Spire Communications, Inc.
133 National Business Pkwy., Suite 200
Annapolis, MD 20701

Brad E. Mutschelknaus
John J. Heitmann
Attorney for E.Spire Communications, Inc.
1200 19th Street, N.W.
Fifth Floor
Washington, D.C. 20036

Charles M. Brewer
Chairman and Chief Executive Office
Mindspring Enterprises, Inc.
1430 West Peachtree Street, Suite 400
Atlanta, GA 30309

Donald Weightman
Counsel for The Coalition of Utah
Independent Internet Service
Providers
510 C Street, N.E.
Washington, D.C. 20002

Stephen M. Brown
Director of Public & Technology Policy
New World Paradigm, Ltd.
401 12th Street South, Suite 1421
Arlington, VA 22202

Shad Nygren, President
Virtual Hipster Corporation
149 Industry Way
Fallon, NV 89406

Federal Trade Commission
6th & Pennsylvania Ave., N.W.
Room 200
Washington, D.C. 20580

Blumenfeld & Cohen
Attorneys for Machone Communications
1615 M Street, N.W.
Suite 700
Washington, D.C. 20036-3214

Vinson & Elkins, L.L.P.
Attorneys for Computer & Communications
1455 Pennsylvania Ave., NW
Washington, D.C. 20004-1008

Swidler & Berlin, Chartered
Attorneys for XDSL Networks, Inc.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Kelley Drye & Warren, L.L.P.
Attorneys for Paging Network, Inc.
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036-2423

Robert V. Zener
Swidler & Berlin, Chartered
Attorneys for Hyperion Telecommunications
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Michael Carowitz
Dickstein Shapiro Morin & Oshinsky, LLP
Attorneys for ICG Telecom Group, Inc.
2101 L Street, N.W.
Washington, D.C. 20037-1526

Robert J. Aamoth
Kelley Drye & Warren L.L.P.
Attorneys for Westel, Inc.
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036-2423

Patrick Donovan
Swidler & Berlin, Chartered
Attorney for Telehub Network Services
and KMC Telecom, Inc.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

* denotes hand delivery

Pamela Arluk
Swidler & Berlin Chartered
Attorney for RCN Telecom Services, Inc.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Kevin S. Dilallo
Levine Blaszak Block & Boothby
Attorney for Ad Hoc Telecommunications
2001 L Street, N.W., Suite 900
Washington, D.C. 20036

Mark J. O'Connor
Piper & Marbury
Attorney for PSINet, Inc.
1200 19th Street, N.W., Suite 700
Washington, D.C. 20036-2430

Dana Friz
Swidler & Berlin, Chartered
Attorney for US Xchange, LLC
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Jeffrey L. Sheldon
UTC- The Telecommunications
Association
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

Pamela Arluk
Swidler & Berlin, Chartered
Attorney for Commonwealth Telecom Serv.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116

Kent D. Bressie
Harris Wiltshire & Grannis, LLP
Attorney for Paradyne Corporation
1025 Connecticut Avenue, N.W.
Suit 1012
Washington, D.C. 20036

Colleen Boothby
Levine Blaszak Block & Boothby
Attorney for Internet Access Coalition
2001 L Street, N.W., Room 900
Washington, D.C. 20036

Jere W. Glover
U.S. Small Business Administration
Office of Advocacy
409 Third Street, S.W.
Washington, D.C. 20416

Jonathan Canis
Attorney for MGC Comm., Inc.
Kelley Drye & Warren, L.L.P.
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036-2423

Marie L. Guillory
NCTA
1724 Massachusetts Ave., N.W.
Washington, D.C. 20036-1969

Janice M. Myles
Federal Communications Commission
Policy and Program Planning
1919 M Street, N.W., Room 544
Washington, D.C. 20554

Linda Kinney
Federal Communications Commission
Policy and Program Planning
1919 M Street, N.W., Room 534-B
Washington, D.C. 20554

Daniel Gonzalez
Nextlink Communications, Inc.
1730 Rhode Island Ave., N.W.
Suite 1000
Washington, D.C. 20036

Barry A. Pineless
Ross & Hardies
Attorney for GST Telecom, Inc.
888 16th Street, N.W., Suite 400
Washington, D.C. 20006-4103

Robert L. Hoggarth
PCIA
Attorney for Paging and Messaging Alliance
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

* denotes hand delivery

Mr. Richard D. Marks
Megan H. Troy
Vinson & Elkins, L.L.P.
Counsel for Computer & Communications
Industry America
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Myra L. Karegianes
Sarah Naumer
Illinois Commerce Commission
160 North LaSalle St.
Suite C-800
Chicago, IL 60601-3104

Mark Buechele
Supra Telecommunications &
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133

Colleen Boothby
Kevin DiLallo
Valerie Yates
Levine Blaszak Block & Boothby, LLP
Attorney for The Internet Access Coalition
2001 L Street, N.W.
Suite 900
Washington, D.C. 20036

Caressa D. Bennet
Michael R. Bennet
Bennet & Bennet, PLLC
Attorneys for Central Texas Telephone
Cooperative, Inc.
1019 19th Street, N.W., Suite 500
Washington, D.C. 20036

Peter Arth, Jr.
Lionel B. Wilson
Mary Mack Adu
Attorneys for the Public Utilities
Commission, State of
California
505 Van Ness Avenue
San Francisco, CA 94102

James S. Blaszak
Levine, Blaszak, Block & Boothby, LLP
Attorney for Ad Hoc Telecommunications
Users Committee
2001 L Street, N.W., Suite 900
Washington, D.C. 20036

Margot Smiley Humphrey
Koteen & Naftalin, LLP
NRTA
1150 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036

Stuart Polikoff
OPASTCO
21 Dupont Circle, N.W., #700
Washington, D.C. 20036

John Reister
Copper Mountain Networks, Inc.
2470 Embarcadero Way
Palo Alto, CA 94303

Jeffrey Blumenfeld
Blumenfeld & Cohen
Attorney for Rhythms NetConnections, Inc.
1615 M Street, N.W., Suite 700
Washington, D.C. 20036

Bruce A. Kushnick
New Networks Institute
826 Broadway, Suite 900
New York, NY 10003

Glenn B. Manishin
Blumenfeld & Cohen
Attorneys for MachOne Comm., Inc.
1615 M Street, N.W., Suite 700
Washington, D.C. 20036

Henry Goldberg
Goldberg Godles Wiener & Wright
1229 19th Street, N.W.
Washington, D.C. 20036

* denotes hand delivery